

Notice of Allowability

Application No.

10/718,116

Examiner

Derek L. Dupuis

Applicant(s)

DEJIMA ET AL.

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to after final amendment filed 3/7/2005.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 15 November 2004 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Franco De Liguori (Reg Num 36,497) on 3/15/2005.

The after-final amendment filed by applicant on 3/7/2005 has been entered. The following examiner's amendment modifies the claim listing provided by applicant in the after-final amendment filed on 3/7/2005.

The application has been amended to change "generally" to --substantially-- as follows:
In claim 1, replace the word "generally" in line 5 and again in line 8 with the --substantially--.
In claim 7, replace the word "generally" in line 4 and again in line 6 with --substantially--.
In claim 8, replace the word "generally" in line 4 and again in line 6 with --substantially--.
In claim 17, replace the word "generally" in line 5 and again in line 8 with --substantially--.
In line 25 of page 20 of the specification, replace the word "generally" with --substantially--.
In the abstract, replace the word "generally" in line 3 and again in line 7 with --substantially--.

Allowable Subject Matter

2. Claims 1-20 are allowed.
3. The following is an examiner's statement of reasons for allowance:
4. Claims 1-20 are allowable over the prior art of record because the latter, either alone or in combination, does not disclose nor render obvious an optical switch with input and output optical

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fibers that are parallel to each other with tip portions that are arranged in an approximately straight line extending in a direction that is substantially perpendicular to the optical axes of the optical fibers including guiding means that result in first and second optical paths that are approximately equal in length in combination with the rest of the claimed limitations.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *Mills et al (US 6,650,804 B2)* teach an optical switch with many of the limitations of claims 1-20 but does not teach that the optical fiber tips are set along a straight line that is substantially perpendicular to the optical axes of the optical fibers. *Bhattacharya et al (US 6,842,555 B2)* teach an optical switch with many of the limitations of claims 1-20 but disclose that the optical fibers must be staggered to achieve the effect of equal path lengths (column 3, lines 44-55). Therefore, the optical fiber tips would not lie along a straight line that is substantially perpendicular to the optical axes of the optical fibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Derek L. Dupuis whose telephone number is (571) 272-3101. The examiner can normally be reached on Monday - Friday 8:30am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G. Font can be reached on (571) 272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Frank G. Font
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